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GC SERVICES, L.P.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STEPHANIE KOCH, Plaintiff, vs. GC SERVICES, L.P. Defendant.	CASE NO. 08 CV 1223 JAH RBB **DEFENDANT GC SERVICES, L.P.'S ANSWER TO COMPLAINT**

COMES NOW Defendant, G.C. SERVICES, L.P. ("Defendant"), appearing for itself and for no other person, firm or entity, files its Answer to the Complaint of Plaintiff, STEPHANIE KOCH ("Plaintiff"), an individual, by admitting, denying and alleging as follows:

1. Answering Paragraph 1 of the Complaint, the allegations set forth are conclusions of law and therefore, no response is required.

2. Answering Paragraph 2 of the Complaint, the allegations set forth are conclusions of law and therefore, no response is required.

3. Answering Paragraph 3 of the Complaint, Defendant admits that Plaintiff brought this action against Defendant. Defendant denies the remaining allegations therein.

4. Answering Paragraph 4 of the Complaint, no response is required.

5. Answering Paragraph 5 of the Complaint, Defendant admits that this Court generally has jurisdiction over claims arising under 15 U.S.C. § 1692k(d), but denies that Plaintiff has any such claim herein.

6. Answering Paragraph 6 of the Complaint, Defendant admits the allegations therein.

7. Answering Paragraph 7 of the Complaint, Defendant admits that generally venue would be proper if Plaintiff had a valid claim, but denies that Plaintiff has any claim herein.

8. Answering Paragraph 8 of the Complaint, Defendant denies the allegations therein.

9. Answering Paragraph 9 of the Complaint, Defendant admits that Plaintiff is a natural person. Defendant is without knowledge or information sufficient to form a belief as to the truth of Plaintiff's remaining allegations, and, on that basis, denies each and every allegation contained therein.

10. Answering Paragraph 10 of the Complaint, Defendant admits that Plaintiff is a natural person. Defendant is without knowledge or information sufficient to form a belief as to the truth of Plaintiff's remaining allegations, and, on that basis, denies each and every allegation contained therein.

11. Answering Paragraph 11 of the Complaint, Defendant admits the allegations therein.

12. Answering Paragraph 12 of the Complaint, Defendant admits the allegations therein.

13. Answering Paragraph 13 of the Complaint, Defendant admits the allegations therein.

14. Answering Paragraph 14 of the Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations, and, on that basis, denies each and every allegation contained therein.

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15. Answering Paragraph 15 of the Complaint, Defendant admits it called Plaintiff. Defendant denies the remaining allegations therein.

16. Answering Paragraph 16 of the Complaint, Defendant denies the allegations therein.

17. Answering Paragraph 17 of the Complaint, Defendant denies the allegations therein.

18. Answering Paragraph 18 of the Complaint, Defendant denies the allegations therein.

19. Answering Paragraph 19 of the Complaint, Defendant denies the allegations therein.

20. Answering Paragraph 20 of the Complaint, Defendant denies the allegations therein.

21. Answering Paragraph 21 of the Complaint, Defendant denies the allegations therein.

22. Answering Paragraph 22 of the Complaint, Defendant admits the allegations therein.

23. Answering Paragraph 23 of the Complaint, Defendant admits that Krohn & Moss are Plaintiff's attorneys of record in this matter. Defendant is without knowledge or information sufficient to form a belief as to the truth of Plaintiff's remaining allegations, and, on that basis, denies each and those allegations.

24. Answering Paragraph 24 of the Complaint, Defendant hereby incorporates all of the above paragraphs of this Answer as though fully stated herein

25. Answering Paragraph 25 of the Complaint, Defendant denies the allegations therein.

26. Answering Paragraph 25 of the Complaint, Defendant denies the allegations therein.

27. Answering Paragraph 27 of the Complaint, Defendant hereby incorporates all of

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the above paragraphs of this Answer as though fully stated herein.

28. Answering Paragraph 28 of the Complaint, Defendant denies the allegations therein.

29. Answering Paragraph 29 of the Complaint, Defendant denies the allegations therein.

PRAYER FOR RELIEF

30. Answering Paragraph 30 of the Complaint, Defendant denies Plaintiff is entitled to the relief requested.

31. Answering Paragraph 31 of the Complaint, Defendant denies Plaintiff is entitled to the relief requested.

32. Answering Paragraph 32 of the Complaint, Defendant denies Plaintiff is entitled to the relief requested.

33. Answering Paragraph 32of the Complaint, Defendant denies Plaintiff is entitled to the relief requested.

34. Answering Paragraph 34 of the Complaint, Defendant denies Plaintiff is entitled to the relief requested.

35. Answering Paragraph 35of the Complaint, Defendant denies Plaintiff is entitled to any other relief.

FIRST AFFIRMATIVE DEFENSE

36. As a separate, affirmative defense, Defendant alleges that the Complaint, and each and every purported cause of action contained therein, fails to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

37. As a separate, affirmative defense, Defendant alleges that the alleged actions of defendants were proper and did not violate any provisions of 15 U.S.C. § 1692 et. seq.

THIRD AFFIRMATIVE DEFENSE

38. As a separate, affirmative defense, Defendant alleges that at all times mentioned in

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the Complaint, Defendant acted lawfully and within its legal rights, with a good faith belief in the exercise of that right, and in the furtherance of a legitimate business purpose. Further, Defendant acted in good faith in the honest belief that the acts, conduct and communications, if any, of the Defendant was justified under the circumstances based on information reasonably available to this answering Defendant.

FOURTH AFFIRMATIVE DEFENSE

39. As a separate, affirmative defense, Defendant alleges that the alleged actions of the Defendant were not accompanied by actual malice, intent or ill will.

FIFTH AFFIRMATIVE DEFENSE

40. As a separate, affirmative defense, Defendant alleges that Defendant never engaged in any conduct which would violate Plaintiff's privacy rights.

SIXTH AFFIRMATIVE DEFENSE

41. As a separate, affirmative defense, Defendant allege that Defendant's conduct, communications and actions, if any, were privileged.

SEVENTH AFFIRMATIVE DEFENSE

42. As a separate, affirmative defense, assuming arguendo that this Defendant violated a statute alleged in the complaint, which presupposition the Defendant denies, such violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

EIGHTH AFFIRMATIVE DEFENSE

43. As a separate, affirmative defense, Defendant alleges that the Plaintiff is barred from any recovery against this answering Defendant by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

44. As a separate, affirmative defense, Defendant alleges that Plaintiff's cause of action for Declaratory Relief is not available to private litigants under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.

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TENTH AFFIRMATIVE DEFENSE

45. As a separate, affirmative defense, Defendant alleges that if Plaintiff was damaged in any sum or sums alleged, which Defendant denies, then Plaintiff's damages are limited by 15 U.S.C. § 1692(k)(a)(1), § 1692(k)(a)(2)(A), § 1692(k)(a)(3) and 15 U.S.C. § 1692(k)(b)(1).

ELEVENTH AFFIRMATIVE DEFENSE

46. As a separate, affirmative defense, Defendant alleges that Defendant's conduct, communications and actions, if any, were privileged pursuant to 15 U.S.C. § 1692(k)c).

TWELFTH AFFIRMATIVE DEFENSE

47. As a separate, affirmative defense, Defendant reserves the right to allege and assert any additional and/or further affirmative defenses as become apparent to Defendant during the course of this litigation.

WHEREFORE, this answering Defendant prays,

1. That Plaintiff take nothing by reason of his Complaint;
2. For judgment in favor of Defendant, and against Plaintiff;
3. For costs of suit and reasonable attorneys' fees incurred; and
4. For such other and further relief as the Court may deem just and proper.

DATED: July 25, 2008

CARLSON & MESSER LLP

By /s/ David J. Kaminski
David J. Kaminski, Esq.
Larissa G. Nefulda, Esq.
Attorneys for Defendant
GC SERVICES, L.P.